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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,495	09/15/2003	John W. Chamberlain	0112300-768	9203
29159 7590 02/08/2008 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER NGUYEN, BINH AN DUC	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 02/08/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

**Office Action Summary**

Application No.

10/662,495

Applicant(s)

CHAMBERLAIN ET AL. *CT*

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/14/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's remarks filed August 28, 2007 with the Pre-Appeal Brief Request have been found persuasive, therefore, prosecution on the merits of this application is reopened, and claims 1-25 are considered unpatentable for the reasons indicated below:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (2002/0002075) in view of Crevelt et al. (5,902,983).

Referring to claims 1, 6, 7, 10-12, and 21-23, Rowe teaches a system, device and method for electronically transferring funds comprising: a gaming device (102, 20) having a ticket reader and a processor operable with the ticket reader (paragraphs 11, 125-128); a kiosk (132)(Fig.2)(paragraphs 15, 16 and 37) having a controller communicating via at least one network with a remote fund repository; and a ticket having an electronic fund transfer approved by the remote fund repository, the ticket issued by a ticket printer having identification information readable by the ticket reader (paragraph 56); the kiosk comprising a controller that communicates over at least one network with a remote fund repository (paragraph 37), a display operable with the

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controller to display electronic fund transfer information to a person, an input device operable with the controller to enable the person to enter electronic fund transfer information, wherein the ticket includes an approved electronic fund transfer and identification information readable by the remote gaming device; and a housing that supports the controller, display, input device and ticket printer (paragraphs 56, 93, 94); transmitting electronically a fund request from an electronic fund transfer kiosk to a remote fund repository; receiving, at the electronic fund transfer kiosk, a response from the remote fund repository; and printing a ticket having an approved electronic fund transfer if the response is an approval and enabling the ticket to be inserted into the gaming device and used to provide at least one gaming device credit (paragraph 165).

**Note**, the limitations of (game machine processor) operable to communicate with a ticket validation network (for validating ticket) (claims 10, 23); an electronic fund transfer kiosk having a ticket printer (for printing ticket) and a controller that operates with the ticket printer, the ticket printer operable with the controller to issue the ticket (claims 1, 10, and 21); a receipt printer operable with the controller to provide a receipt to the person confirming an amount of the approved electronic fund transfer (claims 7 and 22) are inherent from Rowe's teaching of using kiosk (linking with game machines and financial hosts (Fig. 2)) to engage in financial and reward transactions wherein such transactions include providing and/or obtaining access media (i.e., tickets, card, chips, etc.) (paragraphs 56, 135, 165), and obtaining printed receipt (paragraph 93). **Rowe does not explicitly teach** the processor communicates over an electronic fund transfer network with a remote fund repository without communicating through the ticket

validation network; and the ticket (printed from the kiosk's printer) includes identification information readable by the remote gaming device for validation of the ticket by the ticket validation system via the ticket validation network or receiving, at the electronic fund transfer kiosk, identification information from a ticket validation system via a ticket validation network (claims 1, 10, and 21). **Crevelt et al., however, teaches** a system and method for electronically transferring funds comprising a plurality of gaming devices communicates over a ticket validation network with a ticket validation system (coupon or casino card/ticket validation network which validates in-house account, 1:27-46, 10:55-11:9) using a game processor (6); and communicates over an electronic fund transfer network with a remote fund repository (EFT Host 56), wherein the electronic fund transfer network is separate from the ticket validation network (7:45-8:17); and the ticket (printed from the kiosk's printer) includes identification information readable by the remote gaming device for validation of the ticket by the ticket validation system via the ticket validation network or receiving, at the electronic fund transfer kiosk, identification information from a ticket validation system via a ticket validation network (Fig.3; 1:27-46, 8:18-67, 10:55-11:9). **Note that, Crevelt et al. further teaches each of the gaming machines has the same function as the applicant's kiosk (10:55-11:52).** Further, Crevelt et al.'s ticket validation performed by the local or in-house network is equivalent to the applicants' claimed validation network; and Crevelt et al.'s electronic fund transfer or fund transfer request performed by the wide area network is equivalent to the applicants' claimed remote fund transfer or fund repository network. **Also, the fund transferring function from the EFT network and the ticket validation function from the**

local network are independent from each other. Furthermore, Crevelt et al.'s player interface 12 (including card reader (14), display (18), and keypad (16)) and gaming machine interface (10) are equivalent to the applicants' claimed electronic funds transfer control unit. **Further note that**, in the reference of Crevelt et al., the player interface (12) coupled directly to gaming interface (10) provides the mechanism necessary for a player to initiate the funds transfers to and from the EFT system (11) (5:41-63). **Note that**, regarding the method step of "transmitting electronically a fund request from a processor of an electronic fund transfer kiosk to a remote fund repository via an electronic fund transfer network without communicating through a ticket validation network," (claim 21); it would have been obvious for a player to request fund directly from his or her bank, e.g., communicating from the gaming machine to a remote fund repository via wide area network outside of the casino, without first contacting or getting approval from the casino thus provide the player more freedom and control over his/her account and speed up the game preparation process.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide Crevelt et al.'s gaming machine's electronic fund transfer and ticket validation capability to the kiosk of Rowe to come up with a casino fund transfer kiosk that provides game players more access and convenience to electronic fund transfer to different type of game devices at different casino gaming areas, thus made casino gaming experience more enjoyable and increase casino profit.

Referring to claim 2, Rowe teaches the input device includes a multi-button keypad (paragraphs 15, 140, 154, 157, 192).

Referring to claims 3-5, Rowe further teaches a printer for printing ticket; a display; and input device. Rowe does not explicitly teach the ticket printer is a thermal printer (claim 3); the display includes a vacuum fluorescent display (claim 4); the input device includes a touch screen operable with the display (claim 5), these limitations, however, are design choices since they do not effect or bring unexpected results to the gaming device.

Referring to claim 6, Rowe teaches using access media (i.e., ticket, card, etc.)(paragraphs 18, 53, 56) could be used to obtain cash from ATM kiosk (paragraphs 90, 91, 176). Note that, the ATM access station is considered as a kiosk. Furthermore, Rowe teaches access media. Regarding the limitation of a ticket printed by the remote gaming device, this limitation has been admitted by the applicants as prior art (specification, page 3, lines 22-26).

Referring to claim 8, Rowe teaches the network is a wide area network.

Referring to claim 9, Rowe teaches the identification information includes a bar code (paragraph 128).

Referring to claim 11, Rowe teaches network operating with the (game machine) controller links a plurality of electronic fund transfer kiosks (paragraph 140).

Referring to claim 12, Rowe teaches the network operating with the controller links a plurality of remote fund repositories (via financial server (120)).

Referring to claims 13-16, Rowe teaches a plurality of gaming devices, each gaming device including one of the ticket readers; each of the gaming devices is located proximate or remote to the electronic fund transfer kiosk (provided in casino, paragraph

192); at least two of the gaming devices are different types of gaming devices (paragraphs 125, 126, 190).

Referring to claims 17 and 18, Rowe teaches ticket validation network is local within a gaming establishment (paragraph 184); and an operator interface device that operates with the ticket validation network to verify the ticket (service center, i.e., cashier booths) (paragraph 141).

Referring to claim 19, Rowe teaches the ticket validation network is a fiber-optic network (paragraph 135).

Referring to claim 20, Rowe teaches the card reader accepting at least one card selected from the group consisting of: a credit card, a debit card, a gaming establishment card and any combination thereof (paragraph 128).

Referring to claim 24, Rowe teaches providing account information if the response is a rejection (paragraph 71);

Referring to claim 25, Rowe teaches transmitting the fund request includes transmitting the request over an internet (paragraphs 21, 39, 178).

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.



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1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-25 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-21 and 23-44 of copending Application No. 10/229,772. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a device and system including an electronic funds transfer control unit (or processor) configured to communicate with a remote fund repository over a remote fund repository network without communicating through a ticket validation network; (thermal) ticket printer to print approved electronic funds transfer on a ticket (or receipt); a display to display electronic fund transfer information; network includes fiber-optic connections (as per claims 1-20 and U.S. Application No. 10/229,772's claims 1-20 and 35-44).

Further, the claimed methods (as per claims 21-25 of the outstanding application and U.S. Application No. 10/229,772's claims 21 and 23-35) are claiming common

subject matter, as follows: sending (or transmitting) a fund request from a gaming device (or from a processor of fund transfer kiosk) to a remote fund repository via an electronic fund transfer without communication through a ticket validation network; printing a ticket bearing an approved amount of funds; issuing a receipt for the fund transfer; transmitting the fund request includes transmitting the request over the internet.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Response to Arguments***

Applicant's arguments filed August 28, 2007 have been fully considered but they are not persuasive.

Applicant argued that Crevelt and Rowe do not teach or suggest a processor which communicates over an electronic funds transfer network to a remote fund repository without communicating through a ticket validation network (applicant's remarks, page 3, 1<sup>st</sup> paragraph to page 4, 3<sup>rd</sup> paragraph) is deemed not to be persuasive. Rowe teaches a system, device and method for electronically transferring funds as being addressed above. Crevelt et al. further teaches a system and method for electronically transferring funds comprising a plurality of gaming devices communicates over a ticket validation network with a ticket validation system (coupon or casino card/ticket validation network which validates in-house account, 1:27-46, 10:55-

11:9) using a game processor (6); and communicates over an electronic fund transfer network with a remote fund repository (EFT Host 56), wherein the electronic fund transfer network is separate from the ticket validation network (7:45-8:17); and the ticket (printed from the kiosk's printer) includes identification information readable by the remote gaming device for validation of the ticket by the ticket validation system via the ticket validation network or receiving, at the electronic fund transfer kiosk, identification information from a ticket validation system via a ticket validation network (Fig.3; 1:27-46, 8:18-67, 10:55-11:9). Note that, Crevelt et al. further teaches each of the gaming machines has the same function as the applicant's kiosk (10:55-11:52). Further, Crevelt et al.'s ticket validation performed by the local or in-house network is equivalent to the applicants' claimed validation network; and Crevelt et al.'s electronic fund transfer or fund transfer request performed by the wide area network is equivalent to the applicants' claimed remote fund transfer or fund repository network. Also, the fund transferring function from the EFT network and the ticket validation function from the local network are independent from each other. Furthermore, Crevelt et al.'s player interface 12 (including card reader (14), display (18), and keypad (16)) and gaming machine interface (10) are equivalent to the applicants' claimed electronic funds transfer control unit. **Further note that,** in the reference of Crevelt et al., the player interface (12) coupled directly to gaming interface (10) provides the mechanism necessary for a player to initiate the funds transfers to and from the EFT system (11) (5:41-63). **Note that,** regarding the method step of "transmitting electronically a fund request from a processor of an electronic fund transfer kiosk to a remote fund repository via an

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electronic fund transfer network without communicating through a ticket validation network," (claim 21); it would have been obvious for a player to request fund directly from his or her bank, e.g., communicating from the gaming machine to a remote fund repository via wide area network outside of the casino, without first contacting or getting approval from the casino thus provide the player more freedom and control over his/her account and speed up the game preparation process. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide Crevelt et al.'s gaming machine's electronic fund transfer and ticket validation capability to the kiosk of Rowe to come up with a casino fund transfer kiosk that provides game players more access and convenience to electronic fund transfer to different type of game devices at different casino gaming areas, thus made casino gaming experience more enjoyable and increase casino profit. The teaching of Rowe in view of Crevelt et al., therefore, made obvious applicant's claimed invention.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN



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